

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-40720-2021

Date of Decision: 23.02.2022

LAKHVIR SINGH @ LAKHI

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Deepak Goyal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 299 dated 15.10.2019 under Sections 376 (2)(n), 323, 352, 452 IPC registered at Police Station Bhawanigarh, District Sangrur.

Briefly, the allegations against the petitioner are to the effect that the marriage of the prosecutrix was solemnized with the petitioner about six years ago. Her previous husband had expired about eleven years ago. The petitioner was given divorce by the prosecutrix about two years prior to the occurrence. On 14.10.2019, the petitioner visited the house of the prosecutrix alongwith his brother, who remained standing outside the quarter. The petitioner forcibly committed bad acts with the prosecutrix.

Learned counsel for the petitioner contends that the marriage of the petitioner with the prosecutrix is still subsisting as the marriage was never dissolved by a decree of divorce by the competent Court of law. Furthermore, the petitioner is in custody for a period of two years, three months and three days and a compromise has been effected between the

parties. He further states that the prosecutrix has agreed to reside with the petitioner and both of them have decided to spend their life together as husband and wife, as specifically mentioned in Para 6 of the petition.

Short reply by way of affidavit of Deepak Singh, Deputy Superintendent of Police Circle Bhawanigarh as well as custody certificate of the petitioner have been placed on record.

Learned State counsel on the instructions from ASI Chainsukh Singh, has pointed out that out of 22 witnesses, only examination-in-chief of the prosecutrix has been recorded.

In the case in hand, the prosecutrix is the wife of petitioner, the marriage between them has not been dissolved by a decree of divorce by the competent Court of law, the petitioner and prosecutrix intend to spend their life together as husband and wife, the petitioner is in custody for a period of two years, three months and three days and he, though, involved in another case bearing FIR No. 48 of 2018 under Sections 34, 5 and 61 of the Police Act, Police Station City, Sangrur, but has been acquitted in that case.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

23.02.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No